

**REPORT/RECOMMENDATION TO THE BOARD OF SUPERVISORS  
OF SAN BERNARDINO COUNTY, CALIFORNIA  
AND RECORD OF ACTION**

June 23, 2015

2015 JUL 28 PM 4:07

**FROM: TOM HUDSON, Director  
Land Use Services Department**

**SUBJECT: INTERIM URGENCY ORDINANCE ESTABLISHING A TEMPORARY  
MORATORIUM ON APPROVAL OF PROJECTS THAT MAY CONFLICT WITH  
THE VALLEY BOULEVARD CORRIDOR SPECIFIC PLAN**

**RECOMMENDATION(S)**

1. Consider proposed Interim Urgency Ordinance establishing a temporary moratorium on approval of projects that may conflict with the Valley Boulevard Corridor Specific Plan.
  2. Make alterations, if necessary, to the proposed ordinance.
  3. Approve introduction of proposed ordinance.
  4. Read title only of proposed ordinance; waive reading of entire text and adopt **Ordinance No. 4278** (Four votes required).
  5. Direct the Clerk of the Board file a Notice of Exemption.
- (Presenter: Terri Rahhal, Planning Director, 387-4110)

**BOARD OF SUPERVISORS COUNTY GOALS AND OBJECTIVES**

**Ensure Development of a Well-Planned, Balanced, and Sustainable County.**

**FINANCIAL IMPACT**

The recommended actions will not result in the use of any additional Discretionary General Funding (Net County Cost). Postponement of development pending adoption of the specific plan is expected to improve the quality of development in the specific plan area, resulting in enhanced property tax revenues. Adequate appropriation and revenue to complete this action have been included in the Land Use Services' 2014-15 budget.

**BACKGROUND INFORMATION**

On May 19, 2015 (Item No. 3), the Board of Supervisors (Board) directed staff to prepare an interim urgency ordinance to establish a temporary moratorium on new development on the Valley Boulevard Corridor in the community of Bloomington. A specific plan is being prepared to establish use regulations, design guidelines and development standards that will improve the aesthetic quality, livability, and economic vitality of the Valley Boulevard Corridor. The proposed interim urgency ordinance would temporarily prohibit development of certain projects that may conflict with the goals of the specific plan.

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cc: w/ordinance  
LUSD-Hudson  
LUSD-Rahhal w/ NOE  
County Counsel-Hardy  
CAO-Snoke  
File - LUSD w/attach  
jr 7/20/15

**ITEM 107**

Record of Action of the Board of Supervisors

**APPROVED**  
**COUNTY OF SAN BERNARDINO**  
**Board of Supervisors**

MOTION	AYE	SECOND	AYE	AYE	MOVE
	1	2	3	4	5

**LAURA H. WELCH, CLERK OF THE BOARD**

BY \_\_\_\_\_

**DATED: June 23, 2015**

**INTERIM URGENCY ORDINANCE ESTABLISHING A TEMPORARY  
MORATORIUM ON APPROVAL OF PROJECTS THAT MAY CONFLICT  
WITH THE VALLEY BOULEVARD CORRIDOR SPECIFIC PLAN  
JUNE 23, 2015  
PAGE 2 OF 2**

This ordinance may be adopted as an urgency measure, pursuant to section 65858 of the California Government Code, which allows for an interim land use ordinance to be adopted pending completion of a specific plan. The initial adoption as an urgency ordinance would be effective for 45 days, unless it is extended by further action by the Board. The ordinance may be extended initially for 10 months and 15 days and then again for one year. The ordinance, including any extension, would expire upon the effective date of adoption of the Valley Boulevard Corridor Specific Plan.

**REVIEW BY OTHERS**

This item has been reviewed by County Counsel (Bart Brizzee, Principal Assistant County Counsel, 387-5455) on May 28, 2015 and (Ken Hardy, Deputy County Counsel, 387-5401) on May 29, 2015; Finance (Luther Snoke, Administrative Analyst, 387-4345) on June 3, 2015; and County Finance and Administration (Mary Jane Olhasso, Assistant Executive Officer, 387-4599) on June 4, 2015.

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**ORDINANCE NO. 4278**

**AN INTERIM URGENCY ORDINANCE ESTABLISHING  
A TEMPORARY MORATORIUM ON THE  
ESTABLISHMENT OF NEW COMMERCIAL USES  
THAT MAY CONFLICT WITH THE VALLEY  
BOULEVARD CORRIDOR SPECIFIC PLAN, TO  
ALLOW TIME FOR COMPLETION AND  
IMPLEMENTATION OF THE SPECIFIC PLAN.**

The Board of Supervisors of the County of San Bernardino, State of California,  
ordains as follows:

**SECTION 1.** The Board of Supervisors of the County of San Bernardino finds  
that:

(a) For purposes of this ordinance, the "Valley Boulevard Corridor" shall  
mean all parcels of unincorporated county land located between Interstate-10 and  
Marigold Avenue, and between Alder Avenue and Spruce Avenue, in the community of  
Bloomington.

(b) It is anticipated that the County may receive a number of applications to  
establish new commercial uses that, if approved, may conflict with the purpose of the  
pending Valley Boulevard Corridor Specific Plan (Specific Plan). Existing zoning  
regulations do not adequately define community character, nor regulate development in  
a manner that will improve conditions of the Valley Boulevard Corridor. The Specific  
Plan is intended to solve deficiencies of the existing zoning regulations. This interim  
urgency ordinance is necessary to provide the Land Use Services Department time to  
complete the Specific Plan and present it to the Board of Supervisors for adoption.

(c) The Land Use Services Department is currently preparing the Specific  
Plan, which is intended to enhance the aesthetic quality, the quality of the living  
environment, and the economic vitality of the Valley Boulevard Corridor. Absent this  
ordinance, commercial uses that are not compatible with the goals of the Specific Plan

1 may be established and may adversely impact the existing conditions or the potential  
2 for enhancement of the Valley Boulevard Corridor.

3 (d) There is a current and immediate threat to the public health, safety and  
4 welfare if permits or entitlements for certain new commercial uses are issued in the  
5 Valley Boulevard Corridor. Such permits or entitlements may result in land uses or  
6 development that would conflict with the pending Valley Boulevard Corridor Specific  
7 Plan, that may be adopted as a result of studies that are currently in progress.

8  
9 SECTION 2. Notwithstanding anything to the contrary in existing law, including  
10 but not limited to the County Code and the County General Plan:

11 (a) No application for any permit or entitlement that would authorize  
12 establishment of a new use that is prohibited by this ordinance shall be approved.  
13 Nevertheless, as required by State law, the County may continue to accept and process  
14 applications for use permits and development prohibited by this moratorium. Any  
15 application shall be processed at the applicant's sole cost and risk with the  
16 understanding that no use permits for uses prohibited by this interim ordinance shall be  
17 issued within the Valley Boulevard Corridor while this moratorium and any extension  
18 thereof is in effect. The following uses that may have adverse impacts on the aesthetic  
19 quality or the quality of the living environment of the Valley Boulevard Corridor, or that  
20 may impede improvement of economic vitality by adding new uses that are already  
21 over-represented in the Valley Boulevard Corridor, shall be prohibited:

22 (1) Any use requiring outdoor storage or outdoor commercial operations.

23 (2) Agricultural support services.

24 (3) Industry, manufacturing, processing and wholesaling services listed in  
25 Table 82-11 of the County Development Code.

26 (4) Automobile repair.

27 (5) Automobile sales.

28 (6) Truck sales.

- 1 (7) Truck terminal.  
2 (8) Truck stop, including truck services and repairs.  
3 (9) Used tire sales.  
4 (10) Second hand stores and pawn shops.  
5 (11) Massage therapy services.

6 (b) Section 2(a) shall not apply to any project approved prior to adoption of  
7 this ordinance by the Board of Supervisors.  
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9 SECTION 3. This ordinance is an interim ordinance adopted as an urgency  
10 measure pursuant to Government Code section 65858, and it shall be of no further  
11 force and effect forty five (45) days from its date of adoption, unless it is extended by  
12 further action of the Board of Supervisors, pursuant to Section 65858.  
13

14 SECTION 4. The Board of Supervisors declares that it would have adopted this  
15 ordinance and each section, subsection, sentence, clause, phrase, or portion of it,  
16 irrespective of the fact that any one or more sections, subsections, sentences, clauses,  
17 phrases or portions of it be declared invalid or unconstitutional. If for any reason any  
18 portion of this ordinance is declared invalid or unconstitutional, then all other provisions  
19 of it shall remain valid and enforceable.  
20

21 SECTION 5. This ordinance is declared an urgency measure necessary for the  
22 immediate protection and preservation of the public peace, health, safety and welfare  
23 for the reasons stated in Section 1, and it shall take effect immediately upon its  
24 adoption, pursuant to Government Code section 65858 and clause (d) of Government  
25 Code section 25123.  
26

27   
28 JAMES RAMOS, Chairman  
Board of Supervisors

1 SIGNED AND CERTIFIED THAT A COPY OF THIS  
2 DOCUMENT HAS BEEN DELIVERED TO THE  
3 CHAIRMAN OF THE BOARD

4 LAURA WELCH  
5 Clerk of the Board of Supervisors  
6 of the County of San Bernardino

7 STATE OF CALIFORNIA )  
8 ) ss.  
9 COUNTY OF SAN BERNARDINO )

10 I, LAURA WELCH, Clerk of the Board of Supervisors of the County of San  
11 Bernardino, State of California, hereby certify that at a regular meeting of the Board of  
12 Supervisors of said County and State, held on the 23rd day of June, 2015 at  
13 which meeting were present Supervisors: \_\_\_\_\_

14 Lovingood, Rutherford, Ramos, Hagman, Gonzales

15 and the Clerk, the foregoing ordinance was passed and adopted by the following vote, to  
16 wit:

17 AYES: **Lovingood, Rutherford, Ramos, Hagman, Gonzales**

18 NOES: **None**

19 ABSENT: **None**

20 IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official  
21 seal of the Board of Supervisors this 23rd day of June, 2015.

22 LAURA WELCH  
23 Clerk of the Board of Supervisors of the  
24 County of San Bernardino,  
25 State of California

26 Deputy

27 Approved as to Form:  
28 JEAN-RENE BASLE, County Counsel

29 By: Kenneth C. Hardy  
30 KENNETH C. HARDY  
31 Deputy County Counsel

32 Date: 6/18/15